



1647
PATENT
144002-2001
#86
DMS
7-28-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Douglas T. DIETERICH

Serial No. : 09/862,404

Filed : May 21, 2001

Title : **METHOD OF TREATING ANEMIA CAUSED BY RIBAVIRIN TREATMENT OF HEPATITIS C USING ERYTHROPOIETIN ALPHA**

Examiner : Regina M. DeBerry

Art Unit : 1647

Confirmation No. : 8918

745 Fifth Avenue
New York, New York 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Grace L. Pan, Reg. No. 39,440
Name of Applicant, Assignee or Registered Representative


Signature

July 7, 2003
Date of Signature

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AMENDMENT WITH A PETITION FOR AN EXTENSION OF TIME AND A REQUEST FOR AN INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed on March 4, 2003, with the term for reply extended one month, up to and including July 7, 2003 (since July 4, 2003 is a national holiday), please amend the application as follows:

07/11/2003 SZEWDIE1 00000058 09862404

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55.00 OP

REQUEST FOR EXTENSION OF TIME

It is respectfully requested that the period for reply to the March 4, 2003 Office Action be extended one month, i.e. up to and including July 7, 2003 (since July 4 is a national holiday). A check for \$55.00 is enclosed. The Commissioner is hereby authorized to charge any additional fee required for consideration of the extension, or any other fee occasioned by this paper, or credit any overpayment in such fees, to Deposit Account No. 50-0320.

AMENDMENT

Kindly amend the application, without prejudice, without admission, without surrender of subject matter and without any intention to create any estoppel as to equivalents as follows:

IN THE CLAIMS

Please amend claims 1, 2, 3, 4, 5, 7 and 12, without prejudice, without admission, without surrender of subject matter, and without any intention to create any estoppel as to equivalents as follows:

-
1. (Amended) A method for treating hepatitis C in an HIV-negative patient in need thereof comprising administering ribavirin (RBV) or RBV and interferon-alpha (IFN), wherein the improvement comprises administering Erythropoetin (EPO) [or a vector that expresses EPO *in vivo*,] concomitantly or sequentially or via co-administration with the RBV or with the RBV and IFN.
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